

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIBOR KISS,

Plaintiff(s),

-against-

CLINTONG GREEN NORTH, et al.,

Defendant(s).
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17 Civ. 10029 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on August 29, 2019, a conference was held to discuss pre-motion letters filed by Plaintiff, Defendant Judy Painting, Inc. and Third-Party Defendant Z&Z Service, Inc. At the conference, the parties agreed to participate in mediation;

WHEREAS, the parties attended mediation sessions on October 2, 2019, and November 20, 2019. On November 26, 2019, the parties filed a joint letter stating that the mediation was unsuccessful in resolving any issues in this case. Dkt No. 158;

WHEREAS, the November 26, 2019, joint letter stated that Defendants Clinton Green North, LLC, Dermot Clinton Green, LLC and AvalonBay Communities (collectively, the “Owner Defendants”) seek permission to file a pre-motion letter to request to file a motion for summary judgment against Judy Painting for contractual indemnification. The joint letter also stated that the Owner Defendants request to reopen fact discovery to re-examine Plaintiff and Nova Medical Diagnostics, P.C. Dkt No. 158. It is hereby

ORDERED that, by **December 6, 2019**, the Owner Defendants shall file a pre-motion letter regarding their request to file a motion for summary judgment. Judy Painting shall, by **December 11, 2019**, file a response. The letters shall comply with the Court’s Individual Rules regarding pre-motion letters. It is further

ORDERED that the parties shall comply with the below briefing schedules. The parties

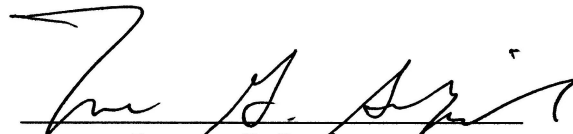
shall comply with the Court's Individual Rules regarding dispositive motions unless stated otherwise below.

- Judy Painting shall, by **January 10, 2020**, file its motion for summary judgment and accompany memorandum of law. Plaintiff shall, by **January 24, 2020**, file a consolidated cross-motion for summary judgment and accompanying memorandum of law and opposition and accompanying memorandum of law. Judy Painting shall, by **February 7, 2020**, file a consolidated opposition and accompanying memorandum of law and reply. Owner Defendants shall also, by **February 7, 2020**, file its opposition and accompanying memorandum of law. Plaintiff shall, by **February 24, 2020**, file its reply. Plaintiff and Judy Painting shall each have no greater than fifty (50) pages in the aggregate for their briefs. Owner Defendants shall have no greater than twenty-five (25) pages for its brief.
- Z&Z Service, Inc. shall, by **January 10, 2020**, file its motion for summary judgment and accompanying memorandum of law that shall not exceed ten (10) pages. Owner Defendants and Judy Painting shall, by **January 24, 2020**, file a consolidated opposition and accompanying memorandum of law that shall not exceed fifteen (15) pages. Z&Z Service, Inc. shall, by **February 7, 2020**, file a reply that shall not exceed ten (10) pages.
- **If the request to file a motion for summary judgment is granted**, then Owner Defendants shall, by **January 10, 2020**, file its motion for summary judgment and accompanying memorandum of law that shall not exceed ten (10) pages. Judy Painting shall, by **January 24, 2020**, file its opposition and accompanying memorandum of law that shall not exceed ten (10) pages. Owner Defendants shall, by **February 7, 2020**, file its reply that shall not exceed ten (10) pages.

It is further

ORDERED that Owner Defendants' request to reopen fact discovery for the limited purpose stated in Defendants' request is **GRANTED** and shall be completed by **December 24, 2019**.

Dated: December 2, 2019
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE